IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: Jos M. Accapadi, *et al.* | § | Group Art Unit: 2163 |
| Serial No.: 10/782,668 | § | Examiner: Phan, Tuankhanh D. |
| Filed: 02/19/2004 | § | Atty Docket No.: AUS920031017US1 |
| Title: User Defined Preferred DNS Reference | § | Customer No.: 34533 |
| | § | Confirmation No.: 5255 |

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## APPEAL BRIEF

**Honorable Commissioner:**

This is an Appeal Brief filed pursuant to 37 CFR § 41.37 in response to the Final Office Action of April 24, 2008 (hereinafter the "Final Office Action"), and pursuant to the Notice of Appeal filed July 24, 2008.

## REAL PARTY IN INTEREST

The real party in interest in accordance with 37 CFR § 41.37(c)(1)(i) is the patent assignee, International Business Machines Corporation ("IBM"), a New York corporation having a place of business at Armonk, New York 10504.

## RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences within the meaning of 37 CFR § 41.37(c)(1)(ii).

## STATUS OF CLAIMS

Status of claims in accordance with 37 CFR § 41.37(c)(1)(iii): Sixteen (16) claims were filed in the original application in this case. Claims 1-16 remain in the present application and are rejected in the Office Action. Claims 1-16 are on appeal.

## STATUS OF AMENDMENTS

Status of amendments in accordance with 37 CFR § 41.37(c)(1)(iv): No amendments were submitted after final rejection. The claims as currently presented are included in the Appendix of Claims that accompanies this Appeal Brief.

## SUMMARY OF CLAIMED SUBJECT MATTER

Appellants provide the following concise summary of the claimed subject matter according to 37 CFR § 41.37(c)(1)(v). This summary includes a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. This summary includes references to the specification by page and line number and to the drawings by reference characters. The independent claims involved in this appeal are claims 1, 7, and 13.

Claim 1 recites a method of user defined preferred DNS routing (page 6, lines 21-22). The method of claim 1 includes mapping for a user in a data communications application a domain name of a network host to a DNS network address for a preferred DNS server, wherein the preferred DNS server has a host network address for the domain name, and wherein mapping the domain name to the DNS network address for the preferred DNS server further comprises receiving from a user the domain name for the network host having the domain name registered on the preferred DNS server and receiving from the user the DNS network address for the preferred DNS server (page 11, lines 2-14, and Figure 3, elements 302, 306, 308, 310, 324). The method of claim 1 also includes receiving from the user a request for access to a resource accessible through the network host (page 14, lines 7-8, and Figure 3, elements 310, 314, 322, and 326). The method of claim 1 further includes routing to the preferred DNS server a DNS request for the host

network address of the network host, the DNS request including the domain name of the network host (page 14, lines 14-16, and Figure 3, elements 310, 316, and 324).

Claim 2 recites the method of claim 1 wherein mapping a domain name to a DNS network address for a preferred DNS server further comprises associating, through the data communication application, an identifier for the user with the domain name and with the DNS network address for a preferred DNS server in a table in computer memory, the table capable of supporting many-to-many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers (page 11, line 14 – page 12, line 19, and Table 1).

Claim 7 recites a system for user defined preferred DNS routing (page 6, lines 21-31, and Figure 1). The system of claim 7 includes means for mapping for a user in a data communications application a domain name of a network host to a DNS network address for a preferred DNS server, wherein the preferred DNS server has a host network address for the domain name, and wherein means for mapping the domain name to the DNS network address for the preferred DNS server further comprises means for receiving from a user the domain name for the network host having the domain name registered on the preferred DNS server and means for receiving from the user the DNS network address for the preferred DNS server (page 6, lines 21-31, page 11, lines 2-14, and Figure 3, elements 302, 306, 308, 310, 324). The system of claim 7 also includes means for receiving from the user a request for access to a resource accessible through the network host (page 6, lines 21-31, page 14, lines 7-8, and Figure 3, elements 310, 314, 322, and 326). The system of claim 7 further includes means for routing to the preferred DNS server a DNS request for the host network address of the network host, the DNS request including the domain name of the network host (page 6, lines 21-31, page 14, lines 14-16, and Figure 3, elements 310, 316, and 324).

Claim 13 recites a computer program product for user defined preferred DNS routing (page 7, lines 2-13). The computer program product of claim 13 includes a recording medium (page 7, lines 2-13). The computer program product of claim 13 also includes

means, recorded on the recording medium, for mapping for a user in a data communications application a domain name of a network host to a DNS network address for a preferred DNS server, wherein the preferred DNS server has a host network address for the domain name, and wherein means, recorded on the recording medium, for mapping the domain name to the DNS network address for the preferred DNS server further comprises means, recorded on the recording medium, for receiving from a user the domain name for the network host having the domain name registered on the preferred DNS server and means, recorded on the recording medium, for receiving from the user the DNS network address for the preferred DNS server (page 7, lines 2-13, page 11, lines 2-14, and Figure 3, elements 302, 306, 308, 310, 324). The computer program product of claim 13 also includes means, recorded on the recording medium, for receiving from the user a request for access to a resource accessible through the network host (page 7, lines 2-13, page 14, lines 7-8, and Figure 3, elements 310, 314, 322, and 326). The computer program product of claim 13 further includes means, recorded on the recording medium, for routing to the preferred DNS server a DNS request for the host network address of the network host, the DNS request including the domain name of the network host (page 7, lines 2-13, page 14, lines 14-16, and Figure 3, elements 310, 316, and 324).

## GROUNDS OF REJECTION

In accordance with 37 CFR § 41.37(c)(1)(vi), Appellants provide the following concise statement for each ground of rejection:

1. Claims 2, 8, and 14 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

2. Claims 1-16 stand rejected for obviousness under 35 U.S.C. § 103 as being unpatentable over McCanne (U.S. Patent No. 6,785,704) in view of Frerria, et al. (U.S. Patent No. 6,857,009).

## ARGUMENT

Appellants present the following argument pursuant to 37 CFR § 41.37(c)(1)(vii) regarding the grounds of rejection on appeal in the present case.

### Argument Regarding The First Ground Of Rejection On Appeal: Claims 2, 8, And 14 Stand Rejected Under 35 U.S.C. § 112, First Paragraph, As Failing To Comply With The Written Description Requirement

Claims 2, 8, and 14 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action asserts that the claim limitation 'the table capable of supporting many-to-many relationships' is not described in Applicants' specification in such a way as to reasonably convey to one of skill in the art that the inventors had possession of the claimed invention at the time that the application was filed. The Office Action specifically asserts that "a table alone cannot be capable of supporting network link or connection protocols to effectively carry out a network connection."

Applicants respectfully note in response, however, that nothing in the present application claims that a table alone is capable of supporting network link or connection protocols to effectively carry out a network connection. Instead, Applicants claim a table capable of supporting many-to-many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers. According to MPEP § 2163.02, the test for sufficiency of support in a parent application is whether the disclosure of the application relied upon "reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter." *Ralston Purina Co. v. Far-Mar-Co., Inc.*, 772 F.2d 1570, 1575, 227 USPQ 177, 179 (Fed. Cir. 1985) (quoting *In re Kaslow*, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983)). An examination of Applicants' original specification clearly illustrates that Application were in possession of a table capable of supporting many-to-many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers at the time of invention.

A 'many-to-many relationship' is defined as "a complex association between two sets of parameters in which many parameters of each set can relate to many others in a second set." *Microsoft Computer Dictionary* (5th Edition, 2002), page 328. In Applicants' original specification, at pages 11-12, Applicants include a table that illustrates a many-to-many relationship between user identifiers, domain names, and DNS network addresses for preferred DNS servers. In particular, the table at pages 11-12, illustrates a mapping between one user, Marilyn, and three domain names and three preferred DNS Server Network Addresses. Furthermore, the same table illustrates a mapping between another user, John, and three domain names and three preferred DNS Server Network Addresses. That is, the table illustrates many-to-many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers because the table illustrates a complex association between two sets of parameters, in the present case the two sets of parameters are user identities and domain names or user identities and DNS network addresses for preferred DNS servers, in which many parameters of each set can relate to many others in a second set, thereby satisfying the definition of a many-to-many relationship.

Applicants clearly disclose an example of a table in which capable of supporting many-to-many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers. Such an example would immediately convey to one of skill in the art that Applicants were in possession of the claimed invention at the time the application was filed. As such, the rejection of Applicants' claims under 35 U.S.C. § 112, first paragraph, cannot be sustained. The rejection should therefore be withdrawn and the claims should be allowed.

**Argument Regarding The Second Ground Of Rejection On Appeal: Claims 1-16 Stand Rejected For Obviousness Under 35 U.S.C. § 103 As Being Unpatentable Over McCanne (U.S. Patent No. 6,785,704) In View Of Frerria, Et Al. (U.S. Patent No. 6,857,009)**

Claims 1-16 stand rejected for obviousness under 35 U.S.C. § 103 as being unpatentable over McCanne (U.S. Patent No. 6,785,704) (hereafter, 'McCanne') in view of Frerria, et al. (U.S. Patent No. 6,857,009) (hereafter, 'Frerria'). The question of whether Applicants' claims are obvious or not is examined in light of: (1) the scope and content of the prior art; (2) the differences between the claimed invention and the prior art; (3) the level of ordinary skill in the art; and (4) any relevant secondary considerations, including commercial success, long felt but unsolved needs, and failure of others. *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350, slip op. at 2 (U.S. April 30, 2007). Although Applicants recognize that such an inquiry is an expansive and flexible one, the Office Action must nevertheless demonstrate a prima facie case of obviousness to reject Applicants claims for obviousness under 35 U.S.C. § 103(a). *In re Khan*, 441 F.3d 977, 985-86 (Fed. Cir. 2006). To establish a prima facie case of obviousness, the proposed combination of McCanne and Frerria must teach or suggest all of Applicants' claim limitations. *Manual of Patent Examining Procedure* § 2142 (citing *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974)). As amended, independent claim 1 of the present application recites:

> 1. A method of user defined preferred DNS routing, the method comprising:
>
> mapping for a user in a data communications application a domain name of a network host to a DNS network address for a preferred DNS server, wherein the preferred DNS server has a host network address for the domain name, and wherein mapping the domain name to the DNS network address for the preferred DNS server further comprises receiving from a user the domain name for the network host having the domain name

registered on the preferred DNS server and receiving from the user the DNS network address for the preferred DNS server;

receiving from the user a request for access to a resource accessible through the network host; and

routing to the preferred DNS server a DNS request for the host network address of the network host, the DNS request including the domain name of the network host.

As shown below in more detail, the proposed combination of McCanne and Frerria cannot be used to establish a prima facie case of obviousness because the proposed combination does not teach each and every element of the claims of the present application. As such, Applicants respectfully traverse each rejection individually.

**The Cited Combination Does Not Teach Or Suggest Mapping For A User In A Data Communications Application A Domain Name Of A Network Host To A DNS Network Address For A Preferred DNS Server As Claimed In The Present Application**

The Office Action takes the position that the combination of McCanne at column 10, lines 15-20, column 17, lines 8-40, column 19, lines 14-17, column 31, lines 45-60, and Frerria at column 3, lines 30-32 and 52-54, discloses the following limitation of claim 1: mapping for a user in a data communications application a domain name of a network host to a DNS network address for a preferred DNS server, wherein the preferred DNS server has a host network address for the domain name, and wherein mapping the domain name to the DNS network address for the preferred DNS server further comprises receiving from a user the domain name for the network host having the domain name registered on the preferred DNS server and receiving from the user the DNS network address for the preferred DNS server. Applicants respectfully note in response, however, that what McCanne at column 10, lines 15-20, in fact discloses is:

> In current business models, Web content is generally published into the Internet through a hosting facility that is often distributed across the wide-area but not pervasively present across the edge. For example, as shown in FIG. 2, an ISP A owns a piece of the edge while ISP B owns another piece of the edge, so they can cover the whole edge only by working together.

What McCanne at column 17, lines 8-40, in fact discloses is:

> In addition, policies are programmed into the APAR-DNS servers to control the mapping of named service requests onto targets. To properly load balance requests across the service infrastructure and avoid hot spots of network congestion, server load information and network path characteristics between the APAR-DNS servers at the edge of the network (near the client) and the service infrastructure may be fed into the APAR-DNS server from some external data collection process.
>
> The APAR-DNS server programmatically maps a name-to-address translation request into a target by:
>
> 1) parsing the name to determine the meta-information M related to that named service;
>
> 2) finding the candidate set of targets in the configured database that match M;
>
> 3) pruning the candidate set based on configured policy, server load measurements, and network path measurements;
>
> 4) selecting a member of the final set based on additional policy;
>
> 5) returning the selected address (or set of addresses) as a DNS A record to satisfy the DNS request (typically with a TTL of 0 so that the entry is used only once).
>
> When using the above process, DNS names can be structured as follows:
>
> where <codepoint> defines the meta-information M described above, and <provider> is the DNS sub-domain corresponding to the CDN network. The <codepoint> field conveys information such as application type (e.g., Web, G2 streaming video, stock quotes), the customer (e.g., Yahoo or ESPN), the size of the object, the class of the object, and so forth.

What McCanne at column 19, lines 14-17, in fact discloses is:

> Another possibility is for N3* to utilize servers not owned by the CDN in question. Thus, N3* can be configured to prefer servers S1, etc., unless performance degrades, at which point it can decide to divert requests to servers X1, X2, which may be owned by another CDN network or by the ISP that owns AS 300.

What McCanne at column 31, lines 45-60, in fact discloses is:

> coupling each of the plurality of content providers to at least one content distribution network of a plurality of content distribution networks, wherein the client is coupled to at least one of the plurality of content distribution networks; sending a request for the content from the client to a redirector node that receives requests, wherein a redirector at the redirector node provides the client directions to a server available to serve the requested content; when the client's content distribution network is a primary content distribution network for the content provider providing the request content, redirecting the client to a server within the client's content distribution network

What Frerria at column 3, lines 30-32 and lines 52-54, in fact discloses is:

> However, in applications where the client specified proxy server is publicly available, the proxy request may be forwarded to the specified proxy server if desired.
>
> Various other services may also be transparently provided to the subscriber/client including Domain Name Service (DNS) redirection and Simple Mail Transport Protocol (SMTP) over the foreign network

McCanne generally discloses a content distribution system to provide content from a content provider to a client over a content distribution network using a specialized domain name server referred to as 'APAR-DNS.' An APAR-DNS dynamically resolves a domain name to a particular network address or set of network addresses based on current server load information or network path characteristics. McCanne at column 10, lines 15-20, column 17, lines 8-40, column 19, lines 14-17, column 31, lines 45-60, discloses the steps taken by an APAR-DNS server to map a name to a target address and discloses actions to be taken by a redirector node based on the content distribution network that is available to a client and content provider. Frerria, at column 3, lines 30-32 and 52-54, discloses a DNS redirection service that redirects a client's DNS request from a DNS

specified by the client to some other DNS. McCanne's providing content over a content distribution network and Frerria's DNS redirection service, however, do not teach or suggest the first element of claim 1 because neither McCanne nor Frerria, alone or in combination, discloses mapping a domain name of a network host to a DNS network address for a preferred DNS server as specified by a user.

In the present application, the preferred DNS server is specified by a user as the preferred DNS server for resolving a domain name for a particular network host. That is, a user prefers a *particular* DNS server for resolving a *particular* host's network address from the host's domain name. That same user may prefer *other* DNS servers for resolving domain names for *other* network hosts. In contrast to the claims in the present application, McCanne has nothing to do with a user specifying various preferred DNS servers, each of which is the DNS server preferred by the user for resolving one or more domain names. McCanne merely discloses resolving a *single* domain name to one of a set of possible network addresses—McCanne does not disclose that a domain name of a network host is mapped to a network address for a preferred DNS server specified by the user, as claimed here. Likewise, Frerria also does not disclose discloses mapping a domain name of a network host to a network address for a preferred DNS server as specified by a user. In fact, Frerria's DNS redirection service merely discloses redirecting a client's DNS request from one DNS to another—not mapping a network host's domain name to a network address for a preferred DNS server.

In addition to McCanne and Frerria's failure to disclose mapping a domain name of a network host to a network address for a preferred DNS server, McCanne and Frerria also do not disclose the first element of claim 1 in the present application because neither the cited portions of McCanne nor the cited portions of Frerria teach receiving a network address for the preferred DNS server from a user. That is, McCanne and Frerria do not disclose that a user specifies the preferred DNS server used to resolve the network address for a particular host from that host's domain name as claimed in the present application.

In response to the arguments above, the Office Action states that "The Examiner would like to point out that routing or resolving (as disclosed by the references) domain name resolution of a network host address to a DNS network address for one or more *preferred DNS servers specified by the user* is equivalent to mapping a domain name of a network host to a DNS network address for a preferred DNS server as specified by a user" (emphasis added). Even if such an assertion were accurate, the fact remains that neither reference discloses routing or resolving domain name resolution of a network host address to a DNS network address for one or more *preferred DNS servers specified by the user* as relied upon in the Office Action because neither reference teaches a DNS server identified by the user as being a preferred DNS server. The concept of a preferred DNS server specified by a user is absent from the cited combination of references, and as such, the proposed combination of McCanne and Frerria neither teaches nor suggests each and every element and limitation of claim 1 in the present application. The combination of McCanne and Frerria therefore cannot be used to establish a prima facie case of obviousness, and the rejection of claim 1 should be withdrawn.

**The Office Action Does Not Examine Applicants' Claims Pursuant To *Graham***

In addition to the fact that the Office Action has not established a prima facie of obviousness there is another reason that the rejection of claims 1-16 should be withdrawn: The Office Action does not examine Applicants' claims in light of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The question of whether Applicants' claims are obvious or not is examined in light of: (1) the scope and content of the prior art; (2) the differences between the claimed invention and the prior art; (3) the level of ordinary skill in the art; and (4) any relevant secondary considerations, including commercial success, long felt but unsolved needs, and failure of others. *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350, slip op. at 2 (U.S. April 30, 2007); *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). "To facilitate review, this analysis should be made explicit." *KSR*, slip op. at 14 (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)). That is, the Office Action must make explicit an analysis of the factual inquiries set forth in *Graham*. In present case, however, the Office Action does not even mention the factual inquiries set forth in *Graham*. As such, the rejections of claims 1-16 under 35 U.S.C. § 103 are improper and should be withdrawn.

**Relations Among Claims**

Independent claim 1 claims method aspects of user defined preferred DNS routing according to embodiments of the present invention. Independent claims 7 and 13 respectively claim system and computer program product aspects of user defined preferred DNS routing according to embodiments of the present invention. Claim 1 is allowable for the reasons set forth above. Claims 7 and 13 are allowable because claim 1 is allowable. The rejections of claims 7 and 13 therefore should be withdrawn, and claims 7 and 13 should be allowed.

Claims 2-6, 8-12, and 14-16 depend respectively from independent claims 1, 7, and 13. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because the combination of McCanne and Frerria does not disclose or

suggest each and every element of the independent claims, so also the combination of McCanne and Frerria cannot possibly disclose or suggest each and every element of any dependent claim. The rejections of Claims 2-6, 8-12, and 14-16 therefore should be withdrawn, and these claims also should be allowed.

**The Combination of McCanne And Frerria Does Not Teach Or Suggest Each And Every Element Of The Dependent Claims Of The Present Application**

In addition to the fact that the combination of McCanne and Frerria cannot be used to establish a prima facie case of obviousness against claim 1 of the present application, there is another reason that the combination of McCanne and Frerria cannot be used to establish a prima facie case of obviousness against the dependent claims of the present application – that is, the combination of McCanne and Frerria itself does not teach or suggest each and every element and limitation of the dependent claims. Consider dependent claim 2 as an example.

The Office Action takes the position that Frerria at column 3, lines 30-32 and 52-54, column 6, lines 55-61, and column 14, lines 46-52, teaches or suggests the following limitation of claim 2: wherein mapping a domain name to a DNS network address for a preferred DNS server further comprises associating, through the data communication application, an identifier for the user with the domain name and with the DNS network address for a preferred DNS server in a table in computer memory, the table capable of supporting many-to-many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers. Applicants respectfully note in response, however, that what Frerria at column 3, lines 30-32, actually discloses is forwarding proxy requests to a specified proxy server if proxy server is publicly available. Applicants also note that what Frerria actually discloses at column 3, lines 52-54, is transparently providing other services to the subscriber/client including Domain Name Service (DNS) redirection and Simple Mail Transport Protocol (SMTP) over the foreign network. Applicants additionally note that Frerria at column 6, lines 55-61, actually discloses is a block diagram of a configuration manager that includes a

microprocessor or microcontroller in communication with various computer-readable storage media. Lastly, Applicants note that what Frerria at column 14, lines 46-52, actually discloses is determining whether a subscriber is 'proxied,' accessing the subscriber database to determine whether the proxy status of a particular subscriber was previously determined and stored, and examining the packet to determine whether it is a DNS request.

The reference points cited in the Office Action merely disclose various steps related to Frerria's method for providing connectivity to a foreign network for a device configured for communication over a home network. None of the cited reference points, however, teach or suggest mapping a domain name to a DNS network address for a preferred DNS server further comprises associating, through the data communication application, an identifier for the user with the domain name and with the DNS network address for a preferred DNS server in a table in computer memory, the table capable of supporting many-to-many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers as claimed in claim 2 of the present application. There is simply no table taught or suggested by Frerria that maps an identifier for the user with the domain name and with the DNS network address for a preferred DNS server, wherein such a table is capable of supporting many-to-many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers. Without teaching such a table, Frerria cannot reasonably be said to teach or suggest the limitations of claim 2. Because Frerria does not teach or suggest the limitations of claim 2 for which it is cited, the cited combination of references cannot be used to establish a prima facie case of obviousness against claim 2 of the present application. The rejection of claim 2 under 35 U.S.C. § 103 should therefore be withdrawn and the claim should be allowed.

**Relations Among Claims**

Claim 1 recites method aspects of user defined preferred DNS routing according to embodiments of the present invention. Claims 8 and 14 respectively claim system and computer program product aspects of user defined preferred DNS routing according to

embodiments of the present invention. Claim 2 is allowable for the reasons set forth above. Claims 8 and 14 are allowable for the same reasons that claim 2 is allowable. The rejections of claims 8 and 14 therefore should be withdrawn, and claims 8 and 14 should be allowed.

**Conclusion Of Appellant's Arguments**

Claims 2, 8, and 14 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. As shown above, Applicants' original specification clearly conveys to one of skill in the art that Applicants were in possession of the claimed invention at the time the application was filed. As such, the rejection of Applicants' claims under 35 U.S.C. § 112, first paragraph, cannot be sustained. The rejection should therefore be withdrawn and the claims should be allowed.

Claims 1-16 stand rejected under 35 U.S.C. § 103 as obvious over McCanne in view of Frerria. The combination of McCanne and Frerria does not teach or suggest each and every element of Applicants' claims. Claims 1-16 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1-16.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

Date: September 10, 2008 By: _____

H. Artoush Ohanian
Reg. No. 46,022
Biggers & Ohanian, LLP
P.O. Box 1469
Austin, Texas 78767-1469
Tel. (512) 472-9881
Fax (512) 472-9887
ATTORNEY FOR APPELLANTS

**APPENDIX OF CLAIMS**
**ON APPEAL IN PATENT APPLICATION OF**
**JOS MANUEL ACCAPADI, ET AL., SERIAL NO. 10/782,668**

CLAIMS

Listing of Claims:

1. A method of user defined preferred DNS routing, the method comprising:

mapping for a user in a data communications application a domain name of a network host to a DNS network address for a preferred DNS server, wherein the preferred DNS server has a host network address for the domain name, and wherein mapping the domain name to the DNS network address for the preferred DNS server further comprises receiving from a user the domain name for the network host having the domain name registered on the preferred DNS server and receiving from the user the DNS network address for the preferred DNS server;

receiving from the user a request for access to a resource accessible through the network host; and

routing to the preferred DNS server a DNS request for the host network address of the network host, the DNS request including the domain name of the network host.

2. The method of claim 1 wherein mapping a domain name to a DNS network address for a preferred DNS server further comprises associating, through the data communication application, an identifier for the user with the domain name and with the DNS network address for a preferred DNS server in a table in computer memory, the table capable of supporting many-to-many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers.

3. The method of claim 1 wherein routing a DNS request for the host network address of the network host is carried out by the data communications application.

4. The method of claim 1 wherein routing a DNS request for the host network address of the network host is carried out by an operating system.

5. The method of claim 1 wherein routing a DNS request for the host network address of the network host is carried out by a predesignated DNS server, wherein a predesignated DNS server is a standard DNS server having a network address that is predesignated as a default operating parameter for the data communications application.

6. The method of claim 1 further comprising:

receiving from the preferred DNS server a DNS response identifying the host network address of the network host; and

accessing the resource through the host network address of the network host.

7. A system for user defined preferred DNS routing, the system comprising:

means for mapping for a user in a data communications application a domain name of a network host to a DNS network address for a preferred DNS server, wherein the preferred DNS server has a host network address for the domain name, and wherein means for mapping the domain name to the DNS network address for the preferred DNS server further comprises means for receiving from a user the domain name for the network host having the domain name registered on the preferred DNS server and means for receiving from the user the DNS network address for the preferred DNS server;

means for receiving from the user a request for access to a resource accessible through the network host; and

means for routing to the preferred DNS server a DNS request for the host network address of the network host, the DNS request including the domain name of the network host.

8. The system of claim 7 wherein means for mapping a domain name to a DNS network address for a preferred DNS server further comprises means for associating, through the data communication application, an identifier for the user with the domain name and with the DNS network address for a preferred DNS server in a table in computer memory, the table capable of supporting many-to-many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers.

9. The system of claim 7 wherein means for routing a DNS request for the host network address of the network host further comprises the data communications application.

10. The system of claim 7 wherein means for routing a DNS request for the host network address of the network host further comprises an operating system.

11. The system of claim 7 wherein means for routing a DNS request for the host network address of the network host further comprises a predesignated DNS server, wherein a predesignated DNS server is a standard DNS server having a network address that is predesignated as a default operating parameter for the data communications application.

12. The system of claim 7 further comprising:

means for receiving from the preferred DNS server a DNS response identifying the host network address of the network host; and

means for accessing the resource through the host network address of the network host.

13. A computer program product for user defined preferred DNS routing, the computer program product comprising:

recording medium;

means, recorded on the recording medium, for mapping for a user in a data communications application a domain name of a network host to a DNS network address for a preferred DNS server, wherein the preferred DNS server has a host network address for the domain name, and wherein means, recorded on the recording medium, for mapping the domain name to the DNS network address for the preferred DNS server further comprises means, recorded on the recording medium, for receiving from a user the domain name for the network host having the domain name registered on the preferred DNS server and means, recorded on the recording medium, for receiving from the user the DNS network address for the preferred DNS server;

means, recorded on the recording medium, for receiving from the user a request for access to a resource accessible through the network host; and

means, recorded on the recording medium, for routing to the preferred DNS server a DNS request for the host network address of the network host, the DNS request including the domain name of the network host.

14. The computer program product of claim 13 wherein means, recorded on the recording medium, mapping a domain name to a DNS network address for a

preferred DNS server further comprises means, recorded on the recording medium, for associating, through the data communication application, an identifier for the user with the domain name and with the DNS network address for a preferred DNS server in a table in computer memory, the table capable of supporting many-to-many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers.

15. The computer program product of claim 13 wherein means, recorded on the recording medium, for routing a DNS request for the host network address of the network host further comprises the data communications application.

16. The computer program product of claim 13 further comprising:

means, recorded on the recording medium, for receiving from the preferred DNS server a DNS response identifying the host network address of the network host; and

means, recorded on the recording medium, for accessing the resource through the host network address of the network host.

## APPENDIX OF EVIDENCE ON APPEAL IN PATENT APPLICATION OF JOS MANUEL ACCAPADI, ET AL., SERIAL NO. 10/782,668

This is an evidence appendix in accordance with 37 CFR § 41.37(c)(1)(ix).

There is in this case no evidence submitted pursuant to 37 CFR §§ 1.130, 1.131, or 1.132, nor is there in this case any other evidence entered by the examiner and relied upon by the Appellants.

## RELATED PROCEEDINGS APPENDIX

This is a related proceedings appendix in accordance with 37 CFR § 41.37(c)(1)(x).

There are no decisions rendered by a court or the Board in any proceeding identified pursuant to 37 CFR § 41.37(c)(1)(ii).